

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

ZAOSONG ZHENG,

Defendant.

CRIMINAL No. 20-CR-10015-DJC

GOVERNMENT'S SENTENCING MEMORANDUM

The United States submits this sentencing memorandum asking the Court to adopt the recommendation of the parties and sentence defendant Zaosong Zheng to a custodial term of time-served, and order the defendant removed from the United States. This sentence is a just resolution of this matter and sufficient but not greater than necessary to satisfy the factors of 18 U.S.C. § 3553(a).

Background:

Defendant Zheng came to the United States on a student visa to research cancer at Beth Israel Deaconess Medical Center. Unbeknownst to his lab supervisors, Zheng took material from the lab and tried to smuggle that material out of the country in his luggage on a flight bound for China. When Zheng was caught, he lied about what he had in his luggage.

When Zheng was charged, the government had not yet analyzed what Zheng took from Beth Israel. Analysis has now been completed and shows that Zheng took DNA expression vectors, which he likely made. A DNA expression vector is a tool used to insert a string of DNA into a gene. Expression vectors can be made inexpensively by someone with limited biomedical training. What Zheng took had little value.

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Discussion:

Student immigration in the United States reflects the best of our relationships with foreign nations. People throughout the world come to our country and contribute their time and effort to the benefit of American institutions. They return with skills and knowledge that benefit themselves and their home countries. But this mutually beneficial relationship can only work if there is a foundation of trust between the sending and receiving countries. Defendant Zheng's crime undermines that trust. What he took has limited financial value but the impact of his actions on his sponsoring university, the victim laboratory and similarly situated student immigrants is significant.

Zheng's crime requires serious consequences as a deterrent to others who might exploit the openness of our universities to their own benefit.

Zheng however, has no criminal history. He is a medical doctor and biomedical researcher who has the knowledge and training to benefit those in need. Zheng has served three months in jail and will be deported upon entry of judgment. Three months custody is in the mid-range of the Guidelines for Zheng's crime. Those punishments are sufficient but not greater than necessary to satisfy the factors of 18 U.S.C. § 3553(a).

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Conclusion:

For the reasons stated, the government requests that the Court sentence defendant Zheng to time-served and order him removed from the United States.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF)

/s/ Ben Tolhoff
BENJAMIN TOLKOFF
Assistant United States Attorney

Date: January 4, 2021